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12 *Attorneys for the United States*

13 **UNITED STATES DISTRICT COURT**  
14 **FOR THE DISTRICT OF NEVADA**

15 UNITED STATES OF AMERICA,  
16 Plaintiff,  
17 v.  
18 HAROLD DAVID SOBEL,  
19 Defendant.  
20

Case No. 2:21-cr-00235-APG-EJY

**STIPULATION FOR PROTECTIVE ORDER**

21 IT IS HEREBY STIPULATED AND AGREED between the parties, Gustav Eyler,  
22 Director of the Department of Justice Consumer Protection Branch, Wei Xiang and Meredith  
23 Healy, Trial Attorneys, Christopher Chiou, Acting United States Attorney for the District of  
24 Nevada, Mina Chang, Assistant United States Attorney, and Defendant Harold David Sobel,

1 and his counsel, Rene Valladares, Federal Public Defender, and Nisha Brooks-Whittington,  
2 Assistant Federal Public Defender, that this Court issue an Order protecting from disclosure to  
3 the public any discovery documents containing the personal identifying information (“PII”),  
4 such as names, addresses, and bank account numbers, of victims and other third parties in this  
5 case. Such documents shall be referred to hereinafter as “Protected Documents.” The parties  
6 state as follows:

7       1.       The charges in this case are based in part on allegations that the defendant  
8 conspired to deceive banks about accounts that the defendant opened, in the District of Nevada  
9 in October 2019, for a co-conspirator referred to in the Indictment as CC-1. In a civil complaint  
10 filed under 18 U.S.C. § 1345 in the Central District of California, the government has alleged  
11 that the defendant, and others, participated in a bank fraud scheme involving, among other  
12 things, unauthorized debits against consumer-victims’ bank accounts. United States v. Internet  
13 Transaction Services, Inc., et al., 2:21-cv-06582 (C.D. Cal.) (the “Injunctive Matter”).

14       2.       The government intends, in this case, to voluntarily produce discovery materials  
15 that cover some or all allegations in the Injunctive Matter. PII makes up a significant part of  
16 those materials and such information itself, in many instances, has evidentiary value. Redacting  
17 all of the PII will result in the defense receiving a set of discovery materials that may be  
18 confusing and difficult to understand, and may make it challenging for defense counsel to  
19 adequately evaluate the case, provide advice to defendant, and prepare a defense.

20       3.       However, a crime victim has the right to be treated “with respect for the victim’s  
21 dignity and privacy.” 18 U.S.C. § 3771(a)(8). “In any court proceeding involving an offense  
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1 against a crime victim, the court shall ensure that the crime victim is afforded” such right to  
2 privacy, among other rights. § 3771(b)(1).<sup>1</sup>

3 4. Subject to the conditions listed herein, the government agrees to provide Protected  
4 Documents without redacting the PII. The government agrees that any discovery that does not  
5 contain PII, or in which all PII has been redacted, is not subject to the terms of this Protective  
6 Order. The government agrees to designate, in the file name, in the material itself, or in an  
7 accompanying cover letter, Protected Documents with a “CONFIDENTIAL” or “Subject to  
8 Protective Order” label. The government further agrees to separate, where practical, production  
9 of materials that are not subject to the Protective Order.

10 5. Access to Protected Documents will be restricted to persons authorized by the  
11 Court, namely the defendant, attorney(s) of record and attorneys' paralegals, investigators,  
12 experts, secretaries, file clerks, law clerks, contractors, vendors, IT Department, and copy centers  
13 employed by the attorney(s) of record or performing on behalf of defendant.

14 6. The following restrictions will be placed on defendant, defendant’s attorney(s) and  
15 the above-designated individuals unless and until further ordered by the Court. The defendant,  
16 defendant’s attorneys and the above-designated individuals shall:

17 a. Not make copies of the Protected Documents for, or knowingly allow  
18 copies of any kind of the Protected Documents be made for, any person that is not an authorized  
19 person, and will take reasonable steps to protect against allowing copies of any kind of the  
20 Protected Documents to be made for any person that is not an authorized person;

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24 <sup>1</sup> The parties invoke this principle without asserting whether the groups of  
consumer-victims alleged in the Injunctive Matter are “crime victims,” as defined in 18 U.S.C.  
§ 3771(e)(2)(A), for the currently charged offenses in this case against the defendant.

1           b.     Not knowingly allow any other person to read the Protected Documents  
2 and will take reasonable steps to prevent any person that is not an authorized person to read the  
3 Protected Documents; and,

4           c.     Not use the Protected Documents for any other purpose other than  
5 preparing to defend against the charges in the Indictment or any superseding indictment or  
6 information arising out of this case.

7           7.     Defendant's attorneys shall inform any person, to whom they disclose the  
8 Protected Documents or to whom they know the defendant has disclosed the Protected  
9 Documents, of the existence and terms of this Court's order. Further, the defendant's attorney  
10 shall take reasonable measure to inform any person, to whom disclosure may be made pursuant  
11 to this order, of the existence and terms of this Court's order.

12          8.     No party shall file Protected Documents with or submit them to the Court or  
13 reproduce their contents in any court filing unless the document or filing is placed under seal or  
14 the PII is redacted. The procedures for use of Protected Documents during any hearing or the  
15 trial of this matter shall be determined by the parties and the Court in advance of the hearing or  
16 trial. The parties shall consider measures such as redacting Protected Documents to remove PII  
17 and requesting that any exhibit containing PII be placed under seal. No party shall disclose  
18 Protected Documents in open court without prior consideration by the Court.

19          9.     By the date of sentencing in this matter, or seven days after acquittal, whatever the  
20 case may be, the defendant shall return to defense counsel any and all copies of Protected  
21 Documents furnished to defendant.

22          10.    By the date of sentencing in this matter, or seven days after acquittal, whatever the  
23 case may be, defense counsel shall direct all other authorized persons or others defense counsel  
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has reason to believe have obtained copies of the documents, to return copies of Protected Documents to defense counsel's office.

11. At the conclusion of this action, defense counsel shall return to government counsel or destroy all copies of Protected Documents in defense counsel's possession, including copies of Protected Documents previously in the possession of all authorized persons and returned to defense counsel. This action will be deemed concluded after the completion of the final appeal in this matter, or if no appeal was filed, then the expiration of the statute of limitations for the filing of any final appeal of any matter, including collateral review.

GUSTAV W. EYLER  
Director, Consumer Protection Branch

/s/ Meredith Healy

WEI XIANG  
MEREDITH HEALY  
Trial Attorneys

9/10/21

DATE

CHRISTOPHER CHIOU  
Acting United States Attorney

/s/ Mina Chang

MINA CHANG  
Assistant United States Attorney

9/10/21

DATE

/s/ Nisha Brooks-Whittington

NISHA BROOKS-WHITTINGTON  
Counsel for Harold David Sobel

9/9/21

DATE

/s/ Harold David Sobel

HAROLD DAVID SOBEL

9/9/21

DATE

### **ORDER**

IT IS SO ORDERED this 10th day of September, 2021.

  
UNITED STATES MAGISTRATE JUDGE